

REMARKS/ARGUMENTS

Applicants have received and carefully reviewed the Office Action mailed October 1, 2008. The following remarks are believed to be fully responsive to the Office Action.

The Examiner has rejected claim 1 as being anticipated by US Patent 4,479,621 (Berholz). This rejection is respectfully traversed.

Claim 1 recites, *inter alia*, "a plurality of profile elements ... adapted to accommodate said functional units [for moving and fixing said load to the cargo deck]". The Examiner has equated the "seat support rails" identified by reference sign 35 in Bergholz with the "functional units" of the claimed invention and has equated the "edge support piece" identified by reference sign 33 in Bergholz with the "profile elements" of the claimed invention.

Applicant respectfully notes that claim 1 explicitly recites that the functional units are for **moving and** fixing a load to the cargo deck. In contrast, the seat support rails of Bergholz are known in the art as solely fulfilling the function of securing seat modules to a passenger deck. Seat support rails are not suitable for moving a load and, as such, are not equivalent to the functional units of the claim 1.

In addition to the above, Applicant notes that claim 1 moreover recites that the flat floor elements and the profile elements "form deck sections that each extend across the entire width" of the cargo compartment. As stated above, the Examiner has equated the "edge support piece" identified by reference sign 33 in Bergholz with the "profile elements" of the claimed invention. Furthermore, the Examiner has equated the "upper covering layer" identified by reference sign 13 in Bergholz with the "flat floor elements" of the claimed invention.

As is particularly apparent from fig. 3 and 4 of Bergholz, the deck sections formed by upper covering layers 13 and edge support pieces 33 of Bergholz **do not** extend across the entire

width of the (cargo) compartment. Instead, Bergholz intentionally provides a gap between the fuselage and the deck sections, in which gap rods 20, 21 are provided that transmit substantially longitudinally directed forces from floor plates 12 to the fuselage outer structure 1 (cf. Fig. 3 and col. 4, lines 18-21).

Having regard for the aforementioned distinctions between the teachings of Bergholz and the subject of the claim 1, it is respectfully submitted that cargo deck of claim 1 is indeed patentable over Bergholz.

New claims 16-22 have been added to round off the scope of protection to which Applicant is believed to be entitled.

SPECIFICATION

Paragraph 4 under the subheading "FIELD OF THE INVENTION" is objected to under 35 U.S.C. 132(a) because it potentially introduces new matter into the disclosure throughout the course of prosecution. 35 U.S.C. 131(a) states that no amendment shall introduce new matter into the disclosure of the invention.

In the Preliminary Amendment filed January 18, 2006, the reference to Claim 1 in "FIELD OF THE INVENTION" section, was already removed. Therefore the objection is not understood. Withdrawal of this objection is requested.

CLAIM REJECTIONS – 35 USC §102

Claims 1-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Bergholz (US Patent 4,479,621 A "Bergholz"). Bergholz discloses a cargo deck (See Fig. 2), comprising: a plurality of flat floor elements (13), a plurality of functional units (35), a plurality of profile

elements (33), such that the flat floor elements and profile elements form deck sections (See Figs. 3 and 4).

In regard to claims 2-5, Bergholz discloses, a plurality of deck sections (12) which are decoupled from each other (See Fig. 8), intermediate elements (19, 20) for transmitting longitudinal forces to ribs (22) which connect to the aircraft skin (16).

In regard to claims 6-10 Bergholz discloses transverse beams (42) and modules (See Fig. 12a), the end sections of the transverse beams (42) transmitting forces to the aircraft skin by way of two intermediate elements (47, 30) at end corners of the deck sections (12).

In regard to claim 11, Bergholz discloses supporting fee (15) for attaching to ribs (22).

In regard to claims 12-15, Bergholz discloses attaching the deck sections to longitudinal beams (24) for transmitting longitudinal forces for the side edges (33) of deck sections (12); the longitudinal beams being attached to the aircraft ribs (22); the deck sections being attached within the aircraft via rapid-closure elements (Column 6, Lines 47-51).

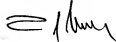
CONCLUSION

In view of the foregoing remarks, Applicants respectfully request that all the objections and rejections to the claims be removed and that the claims pass to allowance. If, for any reason, the Examiner disagrees, please call Applicants' undersigned representative at 202-861-1696 in an effort to resolve any matter still outstanding before issuing another action. Applicants' undersigned representative is confident that any issue which might remain can readily be worked out by telephone.

In the event this paper is not timely filed, Applicants petition for an appropriate extension of time. Please charge any fee deficiencies or credit any overpayments to Deposit Account No. 50-2036 with reference to our Docket No. 59482.21840.

Respectfully submitted,

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